

**REMARKS:**

This application has been carefully studied and amended in view of the Office Action dated May 2, 2005. Reconsideration of that action is respectfully requested in view of the following amendments and remarks.

A sheet of drawings containing Figure 2 as amended is being submitted herewith and is labeled "Replacement Sheet" as required in the Office Action. It is noted that in the prior amendment a corresponding sheet of drawings was marked in red to show the changes made to the replacement sheet.

The non-elected claims have been canceled without prejudice regarding the possible presentment of those claims in a continuing application.

Parent claims 1 and 6 have been amended in view of the rejection under 35 USC 112 to clearly point out that the invention involves "optimally" aligning the first die aperture and the second die aperture with respect to each other and with respect to the punch. As a result, the punch may freely pass through the first die aperture and the second die aperture with minimal friction from the walls of those apertures.

Reconsideration is respectfully requested of the objection to the specification and the rejection to the claims under 35 USC 112. What should be appreciated is that the intent of the invention is not to necessarily achieve "perfect" alignment of the apertures and

the punch. Rather, the intent of the invention as noted above is to provide an optimal alignment which need not be perfect, but one in which there is minimal friction encountered by the punch as it passes through the die apertures. As a result, higher punch and die life is achieved.

Examiner Prone's attention is directed to the paragraph beginning at line 13 of page 17 which describes a practice in utilizing the invention. As pointed out in that portion of the specification this practice of the invention would involve starting with a number of die and punch sets which have possible use in a die bar assembly. By utilizing the invention the components of those sets which would not fit well regardless of rotation or alignment can be eliminated. As a result, the remaining components could be used in the final die bar assembly. This is an important point in that it makes clear that the invention does not strive to achieve a perfect alignment, but rather an optimal alignment. The objection to the specification and the rejection of the claims appears, however, to be based upon the assumption that what is intended is a perfect alignment. The specification, however, makes repeatedly clear that this is not an intent of the invention.

The following points out exemplary statements in the specification to show that what is disclosed with regard to the invention is optimizing the alignment of the first die aperture and the second die aperture with respect to each other and with respect

to the punch so that there is minimal friction from the walls of the apertures as the punch passes through the apertures. This is stated early in the application in the paragraph beginning on line 15 of page 2 and extending to line 6 of page 3. As noted, in that portion of the specification what is intended with the invention is to attempt by use of rotation to advance the punch into the receiving passage of a die "to determine a location of the first die relative to the second die where the punch will experience a least amount of frictional forces from walls of the punch receiving aperture of the first die and the punch receiving aperture of the second die when being advanced through the punch receiving aperture of the first die and the punch receiving aperture of the second die". Note, no mention is made of achieving perfect alignment.

Attention is also directed to the disclosure in the paragraph beginning at line 15 of page 8 which refers to "Often, punches and dies have extremely small clearances and tolerances." The fact that there would be any clearance and the fact that any tolerance would be permitted means that a perfect alignment is not absolutely necessary.

Examiner Prone's attention is also directed to the paragraph beginning at line 15 on page 12 and extending to line 3 of page 13. That portion of the specification refers to practicing the invention by using the rotation feature whereby the die apertures are "as optimally close as concentrically permitted by the dies and

the upper housing and the lower housing". Again, a key term in this portion of the specification is the words "optimally close". Accordingly, it is unquestionably clear that perfect alignment is not required. Rather, what is attempted is "as optimally close as concentrically permitted".

Examiner Prone's attention is also directed to the paragraph beginning in the last line of page 14 and extending to line 16 of page 15. That portion of the specification describes practicing the invention "by rotating at least one of the dies with respect to each other while attempting to advance the punch into the punch receiving passage in the second die to determine a location of a first die relative to the second die where the punch will experience the least amount of frictional or interference forces from walls of the punch receiving apertures of the first die and the second die...Once the desired arrangement of the two dies with respect to each other is determined, the relative positions of the first die and the second die may be recorded by providing at least one mark on the first die and the second die." Again, what should be noted is that no attempt is being made to achieve perfect alignment. Rather, what is attempted is to provide a relative positioning of the components in order "to determine a location...where the punch will experience the least amount of frictional or interference forces from walls of the punch receiving apertures".

The attention of Examiner Prone is also directed to the paragraph beginning at line 7 on page 16 which again describes a manner of practicing the invention including "the upper die 25, lower die 26, upper housing, and/or lower housing may be rotated while the punch is attempted to be depressed repeatedly until the most concentric alignment between the punch receiving aperture 40 and punch receiving aperture 50 is achieved." As is clear from this portion of the specification there is no requirement in practicing the invention to achieve a perfect alignment. Rather, what is desired is achieving "the most concentric alignment". Such alignment, though not perfect, would be sufficient to permit the die bar assembly to operate. This paragraph clearly addresses the concern raised by Examiner Prone in the Office Action that it might be possible that the apertures and the punch will never be aligned and that "the apertures must be perfectly aligned on the central axis so that the punch may travel through". (Paragraph 5 of Office Action) This is an unwarranted assumption because the specification repeatedly makes clear that perfect alignment is not necessary. Instead, given that there are clearances and tolerances what should be achieved is optimal alignment, but not necessarily perfect alignment.

Since Examiner Prone has required the specification to be amended to clarify the disclosure, such an amendment has been made to page 18. The amendment is fully supported by the original

disclosure as discussed in detail above.

Claims 5 and 10 have also been amended to delete the term "to be concentric". In view of this amendment this is no requirement that the apertures have concentric centers, as was the basis of the rejection of these claims in Paragraph 9 of the Office Action. It is now clear from these claims that the degree of alignment specified in the claims is "within about 5 millionths of an inch", which does not require having a common center or being perfectly concentric.

Paragraph 10 of the Office Action pointed out that although the claims have not been rejected over the prior art the claims may or may not be readable over the prior art. In that regard, however, it is noted that this application has been through prolonged prosecution, including rejections over prior art and including a reversal of prior art rejections by the Board of Appeals. It is assumed that the most pertinent prior art has been found and is of record and has been previously considered in the prior Office Actions. As pointed out in various prior amendments such prior art does not show or suggest the claimed invention.

If Examiner Prone has any suggestions for placing this application in best form for allowance, he is requested to telephone the undersigned attorney.

In view of the above remarks and amendments it is respectfully requested that this application be passed to issue.

Respectfully submitted,  
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**IN THE DRAWINGS:**

Please substitute the replacement sheet of drawings containing Figure 2. In the prior amendment a marked copy of Figure 2 was provided showing the changes.